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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,078	09/21/2001	Michal Lemaire	DN2001165USA	4361

7590 10/05/2004
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Akron, OH 44316-0001

EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,078	Applicant(s) LEMAIRE ET AL.	
	Examiner Geoffrey L. Knable	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-10 and 21-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10,21-24 and 30-32 is/are allowed.
- 6) ☒ Claim(s) 2,4-7 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>10-1-2004</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The information disclosure statement filed July 19, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it lacks either a statement as specified in 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p) and further fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).
3. Claims 2, 4 and 5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Black et al. (US 3,389,032) as applied in the last office action.
4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (US 3,389,032) taken in view of JP 2001-247037 to Shimizu and/or Chouinard (US 2,336,596) as applied in the last office action.

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5. Claims 7 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. (US 3,389,032) taken in view of Hoehn et al. (US 4,718,810) as applied in the last office action.
6. Claims 8-10, 21-24 and 30-32 are allowed for the reasons already of record.
7. Applicant's arguments filed 7-14-2004 have been fully considered but they are not persuasive.

With respect to Black et al., it is argued that

"Applicant respectively disagrees that the tire building drums of the '032 patent independently move along the rails, as set forth in independent claim 4. As stated on column 10 line 58 to column 11, line 29 of the '032 patent, each of drums has locking fingers that lock them together. Further, there is a line of interconnected drums designated as 8. Accordingly, tire building system of the '032 patent, specifically requires that the drums be interconnected and do not operate independently move along the rails."

This argument has been carefully considered but is unpersuasive. In particular, the portion of the Black et al. apparatus referenced by applicant is not the portion relied upon to reject the claims. It thus is not disputed that the drums are interconnected at part 7/8 of the apparatus. However, it is the later or downstream portion of the apparatus that is being relied upon, i.e. after the drums are *disconnected* from one another and each individually mounted upon a drum carrier "A". The drums mounted on the carriers are moved through the stations with the drum axis coincident with the working axis through the stations – note esp. "F", "G", "J", "K", "L", "M" in fig. 1 as well as col. 14, lines 19-22. Further, for reasons detailed in the last office action, independent movement is considered taught or obvious from the reference teachings. Reference is also again made to the evidence provided by Hoehn et al., i.e. that self-propelled

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vehicles or automated guided vehicles (AGV) are well known and considered obvious in general in multiple station production environments. Thus, to provide even more independence of movement, the provision of self-propelled vehicles moving along the rails to transport the drums among stations rather than the non-self propelled vehicles/drum carriers "A" of Black et al. would have been an obvious alternative to the ordinary artisan and lead to only the expected results including enhanced production flexibility and versatility while somewhat simplifying the control/driving means for the drum carriers.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

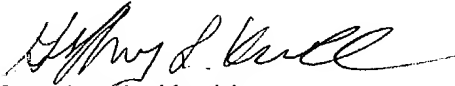
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
October 1, 2004